



Connecticut Sexual Assault Crisis Services, Inc.

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Testimony of Connecticut Sexual Assault Crisis Services
Anna Doroghazi, Director of Public Policy and Communication
Judiciary Committee, April 4, 2011

In Support of SB 1033, An Act Concerning the Limitation of Time to Bring a Civil Action for Damages Caused by Sexual Abuse, Sexual Exploitation or Sexual Assault Suffered by a Person Prior to Attaining the Age of Majority

In Support of SB 1235, An Act Concerning the Sexual Offender Registry

In Support of HB 6555, An Act Concerning Civil Actions Against the State and Municipalities for the Sexual Assault of Children

In Support of 6607, An Act Concerning Civil Actions Against the State by Minors Sexually Assaulted While in the Custody of the State

In Support of HB 6640, An Act Concerning the Penalty for Human Trafficking

In Support of HB 6642, An Act Concerning the Recommendations of the National Prison Rape Elimination Commission

With Concerns about SB 1236, An Act Concerning the Penalty for the Sexual Assault of a Minor

In Opposition to HB 6643, An Act Concerning Residency Restrictions for Certain Registered Sexual Offenders

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Senator Coleman, Representative Fox, and members of the Judiciary Committee, my name is Anna Doroghazi, and I am the Director of Public Policy and Communication of Connecticut Sexual Assault Crisis Services (CONNSACS). CONNSACS is the statewide association of Connecticut's nine community-based rape crisis programs. During the past year, advocates in these nine programs and in special probation and parole units provided services to 5,190 victims of sexual violence and their loved ones. As the state's subject matter experts in the area of sexual assault prevention and victim advocacy, we would like to offer comments on several bills before the Judiciary Committee today.

SB 1033, An Act Concerning the Limitation of Time to Bring a Civil Action for Damages Caused by Sexual Abuse, Sexual Exploitation or Sexual Assault Suffered by a Person Prior to Attaining the Age of Majority (Support)

Like many other states, Connecticut recognizes that some acts are so egregious that they should not be subject to a civil statute of limitations. Under current Connecticut law, victims of certain crimes (sexual assault in the first degree, aggravated sexual assault in the first degree, and crimes involving DNA evidence) can sue their offenders in civil court at any point after a conviction in criminal court. SB 1033 would eliminate the civil statute of limitations for various forms of child sexual abuse and, in doing so, acknowledge that this crime is among the most terrible in our society.

Child sexual abuse is not like other crimes. In over 90% of cases, victims are abused by someone they know, and these offenders go to great lengths to groom, manipulate, and intimidate their victims into silence. Young victims, years away from sexual maturity, are not necessarily able to identify or articulate the harm that they suffer, and many are told that the abuse they experience is an expression of love. They may feel that because they took a toy or presents, played games with the offender, or drank alcohol that the offender used to coerce them, they are somehow responsible for that happened. Offenders, who are often a respected adult (coach, teacher, youth leader, clergy member, family member, or family friend) tell victims that no one will believe them if they speak out about their victimization, and, sadly, many children are not believed when they first reach out for help. Child sexual abusers leave their victims confused, frightened, and unable to trust. These wounds can take years to heal, and in the meantime, serial abusers can continue to find and abuse new victims.

Although the pain of child sexual abuse stays with a person for a lifetime, current Connecticut law requires survivors to initiate civil action against their offenders within thirty years of reaching the age of majority. The current statute of limitations, which was established in 2002, is among the most generous in the country, but setting any time limit on claims against child sexual predators is problematic. When a survivor of child sexual abuse uncovers tangible evidence of his victimization at age forty-seven and wants to seek justice, is his claim any more valid than that of a survivor who finds evidence at age fifty? When a survivor finds the courage to pursue a civil remedy on her forty-seventh birthday, is that substantively different than someone seeking a remedy after she turns forty-eight?

SB 1033 is not unprecedented. Maine, Alaska, Delaware, and Florida have already eliminated their civil statutes of limitations for child sexual abuse (in 1999, 2002, 2007, and 2010, respectively). Legislation to eliminate or expand the civil statute of limitation has been considered or enacted in several states within the last two years, including: Oregon, Massachusetts, Wisconsin, Arizona, Michigan, New York, and New Jersey. With SB 1033, Connecticut has the opportunity to be a leader in this nationwide trend toward supporting survivors and holding sex offenders accountable for abusing children.

In 2010, the Judiciary Committee voted in favor of HB 5473, which would have retroactively repealed the civil statute of limitations for child sexual abuse in certain, limited cases. Those opposed to HB 5473 expressed concerns about its retroactivity, and in response to those concerns, SB 1033 is strictly prospective. Although it would not benefit all past victims of child sexual abuse, SB 1033 would provide the possibility of

remedy to future generations of survivors. Removing the statute of limitations will not make it easier for victims to win a case in court. They will still be required to make a compelling argument before a jury. Removing the statute of limitations simply opens the door for these claims to be made.

There is no good time to make justice inaccessible. Survivors of child sexual abuse need support along their path to healing, and SB 1033 send a clear message that this process should not be subject to arbitrary deadlines.

SB 1235, An Act Concerning the Sexual Offender Registry (Support)

CONNSACS supports SB 1235 and appreciates efforts to make the sex offender registry a more useful tool for the community. Research consistently shows that most victims know their offender prior to an assault, yet sex offender registries and notification measures are designed to address situations in which the sex offender is presumed to be a stranger. While the sex offender registry alerts the public to the presence of known offenders, it can sometimes lead to a false sense of security that may put the public at higher risk.

Not all sex offenders pose the same risk of re-offense. Over-inclusive public notification and registration can be harmful to public safety by disrupting the stability of low-risk offenders in ways that may increase their risk of re-offense. CONNSACS supports the use of evidence-based risk assessment tools to determine the likelihood of sex offender re-offense. By focusing only on those offenders who are at moderate or high risk of re-offending, SB 1235 will make the registry and notification process a more useful means of promoting community safety.

HB 6555, An Act Concerning Civil Actions Against the State and Municipalities for the Sexual Assault of Children and HB 6607, An Act Concerning Civil Actions Against the State by Minors Sexually Assaulted While in the Custody of the State (Support)

HB 6555 and HB 6607 remove the defense of sovereign or governmental immunity in civil child sexual abuse cases, which would make it easier for victims of abuse to file claims against the state for abuse that occurs in schools, juvenile detention facilities, and other state institutions. Sadly, abuse is not uncommon in these settings. A shocking 12 % of detained youth are abused each year,¹ and 9.6% of public school students report experience educator sexual misconduct at some point during their school career.² CONNSACS supports all efforts to hold public institutions accountable when they contribute to the injury of a child.

¹ Beck, Harrison, and Guerino. *Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-09*. Bureau of Justice Statistics, US Department of Justice: Washington, DC, 2010.

² Shakeshaft, Carol. *Educator Sexual Misconduct: A Synthesis of Existing Literature*. US Department of Education: Washington, DC, 2004.

We would like to make clear, however, that efforts to waive sovereign immunity are distinct from efforts to repeal the civil statute of limitations for child sexual abuse. Although these efforts address two very different barriers to civil justice – one is an outright barrier to suing, and the other eliminates a right to sue after a certain age – we support both efforts.

HB 6640, An Act Concerning the Penalty for Human Trafficking (Support)

CONNSACS supports this effort to ensure that individuals convicted of human trafficking are not able to suspend or unreasonably reduce their term of imprisonment. Although, as previously indicated, we are opposed to mandatory minimum sentences, we do not believe that HB 6640 will tie the hands of judges or have unintended consequences for victims. Human trafficking is a class B felony, and it seems reasonable to require offenders to serve at least 10% of the maximum 20 year penalty without suspension or reduction.

HB 6642, An Act Concerning the Recommendations of the National Prison Rape Elimination Commission (Support)

CONNSACS recognizes that prison inmates are vulnerable to sexual violence, and we support HB 6642. Since the passage of the Prison Rape Elimination Act (PREA) in 2003, the National Prison Rape Elimination Commission has been working to develop national standards that will lead to the prevention, detection, and punishment of prison rape. In August of 2010, the Department of Justice released a report entitled, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09*, which detailed the findings of a national inmate survey.

Inmates were asked about any incidents of sexual victimization they had experienced while incarcerated. 4.4% of prison inmates and 3.1% of jail inmates reported one or more incidents of sexual victimization in the twelve-month period leading up to the survey. In both prisons and jails, perpetrators were more likely to be staff than fellow inmates. 2.1% of state and federal inmates reported an incident involving another inmate while 2.8% reported an incident involving staff. In jails, 1.5% of incidents involved other inmates and 2.0% involved staff. 0.5% of prison inmates and 0.4% of jail inmates reported being sexually victimized by both inmates and staff.

The report also revealed that certain populations are more likely to be victimized. 11.2% of prison inmates “with a sexual orientation other than heterosexual” reported a sexual victimization, the highest of any single group. Inmates who were young, had a college degree or more, were of mixed racial backgrounds, or who had previously experienced sexual violence had the highest overall rates of victimization. The facility at which an inmate is housed can also be a risk factor: the report lists facilities with the highest and lowest reported rates of sexual victimization. Five facilities had no reports of sexual victimization, and ten facilities had reported victimization rates above 10%. None of the

three Connecticut facilities involved in the survey – Corrigan-Radgowski Correctional Center, Osborn Correctional Institution, and York Correctional Institution – were listed among the high or low rate facilities.

No one deserves to be the victim of a sexual assault, and when any population is vulnerable to abuse, all of us are less safe. HB 6642 would take steps toward implementing the recommendations of the National Prison Rape Elimination Commission and ensuring that inmates can pay their debt to society without themselves becoming victims of crime.

SB 1236, An Act Concerning the Penalty for the Sexual Assault of a Minor (Concerns)

CONNSACS has serious concerns about SB 1236. While we fully support efforts to hold offenders accountable for their actions, we do not support the imposition of mandatory minimum sentences or other measures that reduce judicial discretion. Although SB 1236 is well-intentioned, CONNSACS is concerned that it may have two unintended consequences: 1) offenders facing life sentences may be more likely to accept pleas to lesser charges, instead of confronting charges for the crime they actually committed, and 2) offenders could use the prospect of a life sentence to keep their victims from reporting their victimization. Most child sexual assault victims know their offenders, and while they all want to be safe from abuse, some children may feel conflicted about sending their offender – most likely a relative or family friend – to prison forever.

HB 6643, An Act Concerning Residency Restrictions for Certain Registered Sexual Offenders (Oppose)

CONNSACS strongly opposes HB 6643, which would prohibit certain sexual offenders from residing within two-thousand feet of an elementary school, secondary school, or day care facility. Residency restrictions do not effectively reduce recidivism, they perpetuate dangerous myths about who sex offenders are, and they may, in some cases, actually increase the likelihood that an offender will commit another sexual offense.

Residency restrictions operate on four incorrect assumptions: 1) all sex offenders will re-offend; 2) there are no other effective treatment and supervision options for offenders who are released into the community; 3) children are most likely to be abused by predatory strangers; and 4) if offenders are prohibited from living near schools or day care centers, they will find suitable housing elsewhere. By addressing the myths upon which residency restrictions are based, CONNSACS hopes that the Committee will understand why passing HB 6643 would be ineffective and possibly dangerous.

1. All sex offenders will re-offend.

Although recidivism studies generally underestimate true rates of re-offense (especially for crimes like sexual assault, where many victims do not report to the police), released

sexual offenders appear to have low re-arrest rates. A study of inmates who were released from prison in 1994 found that within three years of release, only 2.5% of rapists were arrested for another rape.³ This is not in any way to say that released sexual offenders do not pose a risk to the community: some are extremely dangerous and likely to re-offend, and these individuals require intense supervision and treatment.

Many offenders, however, can be successfully reintegrated into society if they receive treatment and can maintain stable housing, employment, and social relationships. CONNSACS would like to refer the Committee to the testimony of Randall Wallace, Director of the Center for the Treatment of Problem Sexual Behaviors, for more information about how community stability – including stable housing – impacts the risk of sexual re-offending. Most sexual offenders will not commit another sexual offense after their release from prison, but destabilizations such as housing insecurity or homelessness increase the likelihood of re-offending.

2. There are no other effective treatment and supervision options for offenders who are released into the community.

Connecticut has an innovative treatment model for post-conviction sexual offenders. Every offender undergoes a comprehensive risk assessment before being released into the community, and supervising officers work with victim advocates and treatment providers to monitor an offender's progress. Offenders who are on probation and parole must abide by a range of conditions based on their risk assessments. Because many offenders must have their housing approved as a condition of release, particularly dangerous offenders who pose a risk to children are already prohibited from living near schools, parks, day care centers, and other places where children congregate.

3. Children are most likely to be abused by predatory strangers.

From year to year, national statistics from the Department of Justice and local statistics from CONNSACS have shown that nearly 95% of child sexual abuse victims know their offender before the assault. Cases of child sexual abuse that involve an unknown assailant garner extensive media attention and can lead members of the public and lawmakers to conclude that these cases illustrate typical offender behavior. Taking extreme measures to keep offenders away from schools or day care centers will not keep children safe, but it will give the public a false sense of security.

4. If offenders are prohibited from living near schools or day care centers, they will find suitable housing elsewhere.

Almost all convicted sexual offenders will be released back into the community at some point, and when they are, they have to live somewhere. If two-thousand foot residency restrictions were imposed in urban areas such as Bridgeport, Hartford, and New Haven, sexual offenders would have virtually nowhere to live within the city limits. For better or worse, convicted sex offenders gravitate toward cities due to the availability of community services, public transportation, affordable housing, and employment. If Connecticut imposes two-thousand foot residency restrictions, sexual offenders who live

³ Langan and Levin. *Recidivism of Prisoners Released in 1994*. Bureau of Justice Statistics, US Department of Justice: Washington, DC, 2002.

in urban areas will be confined to particular neighborhoods and apartment buildings, essentially creating sex offender ghettos that could pose a risk to public safety.

In addition to creating concentrated enclaves of sexual offenders, residency restrictions can also increase the incidence of homelessness in offender populations. As previously mentioned, stable housing is an important factor in reducing recidivism. In California, where a two-thousand foot residency restriction law went into effect in 2006, there has been an astounding 2,285% increase in the number of sex offenders who register as transient.⁴ In Connecticut, it is not possible for offenders to register as transient or homeless; they must list a residential address in order to stay in compliance with the terms of their probation or parole. If it becomes too difficult for offenders to find housing and stay in compliance with the terms of their release, they will simply stop checking with their probation and parole officers. Unsupervised offenders pose a heightened risk to the community.

For all of these reasons, CONNSACS opposes the passage of HB 6643. We would be happy to provide interested members of the Committee with additional research and information about residency restrictions.

Thank you for giving CONNSACS the opportunity to comment on these important pieces of legislation. Please do not hesitate to contact us if you have any questions or if we can provide you with additional information.

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⁴ "Jessica's Law needs a major overhaul." Editorial. The Sacramento Bee. 16 November 2010.

